IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8888 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PARTH ASHOKBHAI GOSWAMI

Versus

DEAN, BJ MEDICAL COLLEGE

Appearance:

1. Special Civil Application No. 8888 of 2002

MR KISHOR M PAUL for Petitioner No. 1

Ms MANISHA LAVKUMAR, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 11/12/2002

CAV JUDGEMENT

The petitioner claims to be a person belonging to Vairagi Bava community which was a Nomadic Tribes. The petitioner has prayed that the seats reserved for Scheduled Tribe candidates, but lying vacant should be

made available to the candidates belonging to Nomadic Tribes/Denotified Tribes.

2. However, the stand of the respondents is that since the petitioner does not belong to a Scheduled Tribe, the petitioner must either produce the caste certificate to show whether he belongs to a Scheduled Caste or a Socially and Educationally Backward Class.

3. Since Vairagi Bava community is placed in the list of Socially and Educationally Backward Classes as disclosed in the material on the record of Special Civil Application No. 8509 of 2002, the present petition raises the same controversy raised in Special Civil Application No. 8509 of 2002 which is decided today by a separate judgment. Following the said judgment, for the reasons stated therein, this petition is also dismissed.

Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(M.S. Shah, J.)
sundar/-